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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,703	03/29/2001	Kenichiro Sakai	826.1720	4089

21171 7590 12/10/2003

STAAS & HALSEY LLP
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EXAMINER

QUILLEN, ALLEN E

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 12/10/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

Office Action Summary

Application No.

09/819,703

Applicant(s)

SAKAI ET AL.

Examiner

Allen E. Quillen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claims 1, 2, 12, 14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Substitute claims with words properly spaced are received.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, U.S. Patent 6,137,534, in view of May et al, U.S. Patent Application Publication 2003/0095193.

5. Regarding claim 1, representative of claims 2, 11, 12, 13 and 14, Anderson discloses an image display device (Abstract; Column 3, lines 52-55) for storing an image and displaying the image based on a user's display operation (Column 2, lines 44-57), comprising: a non-volatile storage unit (Figure 6, elements 354, 622, 624) storing data which can be rewritten and maintaining stored data even if a main power supply is switched on or off (Figure 3, elements 358, 360, *main and backup batteries*; Column 4, lines 23-44; *during a power failure mode*, Column 5, lines 14-19); an image storage unit storing an image (Figures: 3 (elements 354, 350, 346); 6 (elements 618, 354); Column 7, lines 56 through Column 9, line 10); an image display unit displaying the image stored in the image storage unit (Figure 3, elements 402, 406); an operation detection unit detecting a user's display operation (Figure 8, Column 9, lines 51-63; Column 10, line 8 through Column 11, line 65) to modify a display state of the image displayed on the image display unit (see above; Column 2, lines 58-65); and a display information reading/writing unit reading/writing display information for indicating a display state of a currently displayed image in the non-volatile storage unit based on a detection result of the operation detection unit (Figure 3, elements 408, 114, 350, 354, 344, 346, Column 4, line 22

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through Column 6, line 50; Figures 4-7, *access the data stored on RAM, stores data, data received*).

[further claim 2] further comprising a display information reading unit reading the display information from said non-volatile storage unit when power is switched off, and the image display unit displays the image based on display information read by the display information reading unit (see above).

Anderson does not explicitly disclose from said non-volatile storage unit, wherein the image display unit displays the image based on display information read by the display information unit. May teaches wherein the image display unit displays the image based on display information read by the display information unit (*panoramic mode, a folder is created on the removable memory card*, Paragraphs 50, 55). The motivation for combining the non-volatile storage unit and data about the image on the non-volatile [removable] memory is to enable the user to name the image files (Paragraph 55). May is evidence that at the time of the invention, it would have been obvious to one skilled in digital image storage machines to combine the benefits of non-volatile [removable] image storage data, as Anderson discloses, while retaining metadata about the image data on the non-volatile [removable] storage, as May teaches, to enable retention of the user's naming of the image file.

6. Regarding claim 3, Anderson discloses an image display device according to claim 2, wherein if the display information read from said non-volatile storage unit is not a prescribed value, said display information reading unit modifies the display information to a prescribed rating value (Figure 7, Column 9, lines 10-28).

7. Regarding claim 4, Anderson discloses an image display device according to claim 2, wherein said display information writing unit stores currently displayed display image data in said non-volatile storage unit, said display reading unit reads the display image data as well as the display information if the display image data are stored in said non-volatile storage unit and said image display unit displays an original image using the read display image data (Column 5, lines 25-56).

8. Regarding claim 5, Anderson discloses an image display device according to claim 1, wherein if said operation detection unit does not detect another user's display operation during a specific time period after detecting a user's display operation, said display information writing unit writes the display information in said non-volatile storage unit (Column 11, lines 1-27; Column 12, lines 10-15).

9. Regarding claim 6, Anderson discloses an image display device according to claim 1, wherein if display information to be written in said non-volatile storage unit is the same as a value stored in said non-volatile storage unit, said display information writing unit does not write the display information (Column 12, lines 2-6).

10. Regarding claim 7, Anderson discloses an image display device according to claim 1, wherein said display information writing unit independently stores the display information for each stored image (Column 6, lines 34-50).

11. Regarding claim 8, Anderson discloses an image display device according to claim 8, wherein when a display image is switched, said display information reading unit reads the display information corresponding to the display image (Column 7, lines 5-55).

12. Regarding claim 9, Anderson discloses an image display device according to claim 1, wherein the display information includes at least one of information for specifying an original image, information about magnification of a display image and information for indicating a position in the original image of a display image (Column 6, lines 15-50).

13. Regarding claim 10, Anderson discloses an image display device according to claim 1, wherein if a user switches a main power supply off, said display information writing unit writes the display information in said non-volatile storage unit (Column 4, lines 22 through Column 5, lines 57).

Response to Arguments

14. The Applicant asserts (Page 5, 5th paragraph through Page 6, 1st paragraph; bottom two lines of Page 5), “Nothing has been cited or found in Anderson that teaches or suggests ‘writing...information...indicating a display state of a currently displayed image in...non-volatile storage’ and “No suggestion has been found of storing anything else [other than “raw image data”] in the non-volatile memory”.

The Examiner respectfully notes, however, Anderson discloses writing information indicating display state of the currently displayed image in non-volatile storage (*tags of storing*

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additional information regarding the image, may be displayed either as text in the LCD, Column 5, line 57 through Column 7, line 5).

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen E. Quillen whose telephone number is (703) 605-4584. The examiner can normally be reached on Tuesday – Friday, 8:30am – noon and 1:00 - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew C. Bella, can be reached on (703) 308-6829.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

Or FAX'd to:

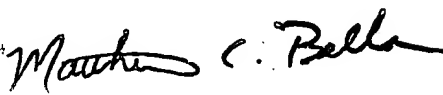
(703) 872-9314 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Sixth Floor (Receptionist), Arlington, Virginia

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number (703) 305-9600 or (703) 305-3800.

Allen E. Quillen
Patent Examiner
Art Unit 2676

December 4, 2003


MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600